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Remarks

Claims 1-8 have been rejected under 35 U.S.C. §102 for being anticipated by Dulude et al., USPN 6,310,966, and Claim 18 has been rejected under 35 U.S.C. §103 as being unpatentable over Dulude et al. Dulude et al. teaches a hash function of the type that has been discussed in the present specification, bottom of page 6, which as noted undesirably can expose the original biometrics.

To better distinguish over Dulude et al., Claim 1 now recites determining, in response to a transaction, whether the distorted biometric matches with one or more stored distorted biometrics, with the determining act being undertaken without knowing the undistorted biometric as supported on, e.g., page 15, lines 9 and 10 of the specification. Claim 18 has been amended to set forth providing a tester with a comparison distorted biometric but not providing the tester with the undistorted biometrics, and instructing the tester to compare the comparison distorted biometric with the distorted biometric to determine whether to authorize a transaction defined by the transaction request. Both claims have been amended to remove the limitation that the transformation must be non-invertible.

In contrast to amended Claims 1 and 18, the comparing site in Dulude et al. must have the original biometrics to hash it for subsequent comparison. The claims appear to be allowable.

As to the double patenting rejections, MPEP §804 appears to require either common ownership or the existence of a joint development agreement, neither of which exists in this case. The present application was divested by IBM to Lenovo, whereas IBM retained ownership of USPN 6,836,554. Thus, a double patenting rejection would not appear to be appropriate. Further, the '554 patent was filed on the same day as the parent of this continuation application, so it is not prior art.


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The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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